

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ELEMENT CASE, INC., a California
Corporation,

Plaintiff,

v.

ALLEN TRAN, an Individual, and
DOES 1-10, Inclusive,

Defendants.

Case No.: SACV13-01569 JLS (RNBx)

**PERMANENT
INJUNCTION AGAINST
DEFENDANT ALLEN TRAN
AND DISMISSAL, WITH
PREJUDICE**

Hon. Josephine L. Staton

The Court, pursuant to the Second Stipulation For Entry of Permanent Injunction (“Stipulation”), between ELEMENT CASE, INC., a California corporation (hereinafter “Plaintiff”), on the one hand, and ALLEN TRAN (hereinafter “Defendant”), on the other hand, hereby ORDERS, ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered against Defendant as follows:

1. **PERMANENT INJUNCTION.** Defendant and any person or entity acting in concert with, or at his direction, including any and all agents, servants,

1 employees, partners, assignees, distributors, suppliers, resellers and any others
2 over which he may exercise control, are hereby restrained and enjoined, pursuant
3 to 15 U.S.C. §1116, from engaging in, directly or indirectly, or authorizing or
4 assisting any third party to engage in, any of the following activities in the United
5 States and throughout the world:

6 a. importing, exporting, marketing, selling, offering for sale,
7 distributing or dealing in any product or service that uses, or otherwise making
8 any use of, any of Plaintiff's Trademarks, and/or any Intellectual Property,
9 including its EC ELEMENT CASE® word and design marks that are confusingly
10 or substantially similar to, or that constitutes a colorable imitation of, any of
11 Plaintiff's Trademarks, whether such use is as, on, in or in connection with any
12 trademark, service mark, trade name, logo, design, Internet use, website, domain
13 name, metatags, advertising, promotions, solicitations, commercial exploitation,
14 television, web-based or any other program, or any product or service, or
15 otherwise;

16 b. performing or allowing others employed by or representing
17 Defendant, or under his control, to perform any act or thing which is likely to
18 injure Plaintiff, any of Plaintiff's Trademarks, including its EC ELEMENT
19 CASE® word and design marks, and/or Plaintiff's business reputation or
20 goodwill, including making disparaging, negative, or critical comments regarding
21 Plaintiff or its products;

22 c. engaging in any acts of federal trademark infringement, false
23 designation of origin/false or misleading advertising, unfair business practices,
24 unfair competition, or any other act which would tend damage or injure Plaintiff;
25 and/or

26 d. using any Internet domain name or website that includes any of
27 Plaintiff's Trademarks, including its EC ELEMENT CASE® word and design
28 marks.

1 2. Defendant is ordered to deliver immediately for destruction all
2 unauthorized products, including counterfeit EC ELEMENT CASE®-branded
3 products and related products, labels, packages, wrappers, receptacles and
4 advertisements relating thereto in his possession or under his control bearing,
5 utilizing, comprised of, and/or embodying any of Plaintiff's Trademarks or other
6 intellectual property or any simulation, reproduction, counterfeit, copy or
7 colorable imitations thereof, to the extent that any of these items are in
8 Defendant's possession, custody, or control.

9 3. This Permanent Injunction shall be deemed to have been served upon
10 Defendant at the time of its execution by the Court.

11 4. **NO APPEALS AND CONTINUING JURISDICTION.** No
12 appeals shall be taken from this Permanent Injunction, and the parties waive all
13 rights to appeal. This Court expressly retains jurisdiction over this matter to
14 enforce any violation of the terms of this Permanent Injunction.

15 5. **NO FEES AND COSTS.** Each party shall bear its/his own
16 attorneys' fees and costs incurred in this matter.

17 6. **DISMISSAL OF THE ACTION.** The Court hereby dismisses the
18 action as to Defendant in its entirety, with prejudice, upon entry of this Permanent
19 Injunction against Defendant.

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21 IT IS SO ORDERED, ADJUDICATED and DECREED this 9th day of
22 December, 2013.

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25 HON. JOSEPHINE L. STATON
26 United States District Judge
27 Central District of California
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